IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 6309 of 2007(A)

PETITIONER:
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1. MASTER EDWIN (MINOR 11 YEARS)
S/O.LATE GIGI K. GEORGE.

2. MASTER ALWIN (MINOR 6 YEARS)
S/O.LATE GIGI K. GEORGE.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN

RESPONDENTS:
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1. THE AUTHORISED OFFICER
(ASST.GENERAL MANAGER)
STATE BANK OF TRAVANCORE, ANGAMALY.

2. UNION OF INDIA, REPRESENTED BY
THE SECRETARY, MINISTRY OF BANKING
AND FINANCE, NEW DELHI.

R2 BY SRI.JOHN VARGHESE, A.S.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.6309 OF 2007

Dated this the 26th day of February, 2007

JUDGMENT

Heard.

2. It is directed that if the petitioners move the Debts Recovery Tribunal, it will defer collection of any fee payable on the petitioners' application against the action taken by the respondent Bank under the SARFAESI Act and on the strength of this judgment, that will also form part of the recoverables due to the Bank.

3. In the very peculiar facts and circumstances of this case, it is directed that if the petitioners move such appeal within two weeks from now, the same will be entertained, considered and disposed of on merits, after hearing the necessary parties. To enable the petitioners to move for any interlocutory order

before the DRT, status quo as on today will be maintained for a period of three weeks.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.